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Attorneys for Defendant

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION**

UNITED STATES OF AMERICA, Plaintiff, v. JOHN HENRY SCHNEIDER, Defendant	Cause No. CR 17-77-BLG-SPW MOTION TO WITHDRAW AS COUNSEL OF RECORD
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COMES NOW, John E. Smith and Colin M. Stephens, Smith & Stephens, P.C., counsel for Defendant, and hereby moves this Court to allow their withdrawal as counsel of record. Final Judgment was entered in this matter on August 16, 2018. (Doc. 43).

Defendant Schneider filed a *pro se* Notice of Appeal and a *pro se* Application for Stay of Sentencing Pending Appeal with the help of

another attorney, Gregory Costanza, on August 27, 2018. (Doc.'s 48 & 50). Defendant Schneider also separately filed a Consent to Withdrawal of Counsel on that same day. (Doc. 49). Later, Gregory Costanza filed a "Notice of Limited Scope Appearance" in this matter on September 4, 2018, (Doc. 57), ostensibly to file additional pleadings on behalf of Defendant Schneider.

Undersigned has filed a Motion to Withdraw as Counsel of Record in the 9th Circuit Court of Appeals, Case No. 18-30187, on August 29, 2018. The Defendant has indicated his consent to withdrawal, (Doc. 49), and the Defendant has also alleged counsel provided ineffective assistance counsel posing a conflict for any continued representation by the undersigned. As such, pursuant to Local Rule 83.3, this Motion to Allow Withdrawal of Counsel includes the client's current or last known address as well as a consent to withdrawal as counsel of record signed by the Defendant. (Exhibit A—Copy of Doc. 49). This matter is closed in this Court, but this Motion is filed in the event the case is remanded by the 9th Circuit or any additional filings are submitted by the Defendant and his limited scope counsel. Undersigned apologizes to the Court for the unnecessary confusion in this matter.

Respectfully submitted this 6th day of September, 2018.

/s/ John E. Smith

John E. Smith
SMITH & STEPHENS, P.C.
Co-Counsel for Defendant

/s/ Colin M. Stephens

Colin M. Stephens
SMITH & STEPHENS, P.C.
Co-Counsel for Defendant

CERTIFICATE OF SERVICE

I, John E. Smith, do hereby certify that I served a true and correct copy of the Motion to Withdrawal as Counsel of Record on the following by the means indicated below.

Colin M. Rubich CM/ECF
Assistant U.S. Attorney

Gregory Costanza, Esq. CM/ECF
“Limited Scope Counsel”

John Henry Schneider, M.D. Email
Defendant

DATED this 6th day of September, 2018.

/s/ John E. Smith
John E. Smith
SMITH & STEPHENS, P.C.
Co-Counsel for Defendant